



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 12, 2014

By ECF & Hand

Hon. Paul G. Gardephe
United States District Judge
United States District Court
40 Centre Street
New York, NY 10007

Re: United States v. Martoma, 12 Cr. 973 (PGG)

Dear Judge Gardephe:

The Government writes to inform the Court that, following oral argument this morning, the Second Circuit issued an order (Exhibit A, attached) denying Martoma's motion for bail pending appeal on the grounds that Martoma has failed to show that the appeal raise a substantial question of law or fact as required under 18 U.S.C. § 3143(b). The Second Circuit further vacated its prior stay order of Appellant's surrender date. However, because the surrender date of November 10 passed on Monday, a further order from this Court directing Martoma to surrender is required. Given that the Court's previous order denying bail pending appeal and further denying Martoma's application to adjourn surrender has now been affirmed, the Government respectfully submits that there is no basis to further delay the imposition of the Court's September 8, 2014 sentence. The Government has confirmed with the Bureau of Prisons that it is prepared to accept Martoma at his previously designated institution as soon as Martoma is ordered to surrender by the Court.

Respectfully Submitted,

PREET BHARARA
United States Attorney

By: /s/
Arlo Devlin-Brown
Eugene Ingoglia
Assistant United States Attorneys

cc: Richard Strassberg, Esq.
Roberto Braceras, Esq.
(via ECF)